UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/530,478	04/06/2005	Koji Hirose	P27691	4983

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EXAMINER
SYED, NABIL H

ART UNIT	PAPER NUMBER
2612	

NOTIFICATION DATE	DELIVERY MODE
01/06/2009	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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	Application No.	Applicant(s)
Office Action Summary	10/530,478	HIROSE ET AL.
	Examiner	**Art Unit**	
	NABIL H. SYED	2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _20 October 2008_.
2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _11-18_ is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) _11-18_ is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All b)☐ Some * c)☐ None of:
      1.☐ Certified copies of the priority documents have been received.
      2.☐ Certified copies of the priority documents have been received in Application No. _____.
      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.
4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.
5)☐ Notice of Informal Patent Application
6)☐ Other: _____.

DETAILED ACTION

1.   The following is a non-final office action in response to the RCE filed 10/20/08.

Amendments received on 10/20/08 have been entered. Claims 11-18 are pending.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
>
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
>
> the prior art are such that the subject matter as a whole would have been obvious at the time the
>
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
>
> Patentability shall not be negatived by the manner in which the invention was made.

3.   Claims 11-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Graziano et al. (US Pub 2002/0111698) in view of Sekiguchi (US Pub 2002/0156899)

and further in view of Nishi (US Pub 2002/0055977).

As of claims 11 and 15, Graziano discloses a remote controller (via Web-Based

Host 70; see fig. 1) and a method of controlling an operation of a device through a

network (via a we-based system for monitoring and/or controlling home devices; see

abstract) which enables a terminal device (via remote device 10; see fig. 1) to control an

operation of a device through a network (via using network 50, to control the Home 30;

see fig. 1), the remote controller comprising:

an address storage (via Web-based host 70, comprising a memory 74 and a database

75; see fig. 6) operable to acquire a current address of the remotely controlled device

on the network by communicating with the remotely-controlled device through the

network, (via storing the each unique address of the home device in the Web-based

host 70; Note: Graziano also discloses that the Web-based host 70 can communicated

with the home devices and log the data/information in a database (see paragraph

[0038]; also see fig. 6). The Web-based host 70 connects with the home devices

through home attendant 31, which is a controller inside the home to receive the signals

from the Web-based host 70 to control the home devices. Graziano further discloses

that the home attendant can be incorporated inside the device so device can directly

communicate with the Web-bases host 70; see paragraph [0048], lines 8-11);

a first communication interface (via Web-based host 70 comprising control panel

program 76 that include multiple applications, so the Web-based host can communicate

with the home 30 via network 50; see paragraph [0057], lines 1-8) operable to transmit,

through the network at constant time to the remotely-controlled device based on the

address, a status notification request, and operable to receive, from the remotely-

controlled device in response to the status notification request, status information

indicating a status of the remotely controlled device(Graziano discloses this feature with

the example of a temperature controller. For example, the user, using the remote device

can send a signal to the web-based host 70 requesting the current temperature of the

thermostat via the network 50, web-based host 70 will transmit the signal to the home

30 via the network 50, the home attendant 31 or the device if the home attendant is

incorporated within the device will transmit the current temperature via the network 50,

to the web-based host, and web-based host will transmit the signal back to the remote

device; see paragraph [0080], Graziano further discloses that at the time of generating

account user provides home configuration information to generate customized

description of their home, and home configuration information includes behavioral

setting which monitors the status of the home devices (remotely controlled device)

according to user preference (e.g., day time state, evening state and night state) so web

based host system will transmit these information at times specified by user, hence

transmitting status request at constant times ;

a status storage operable to store the status information received from the device

(Graziano discloses that the web-based host can transmit the event immediately or it

can store the data/information and then transmit at a later time; also see paragraph

[0039]);

And a second communication interface operable to transmit the stored status

information on the device to the terminal device through the network in response to a

status request from the terminal device (via Web-based host 70 comprising control

panel program 76 that include multiple applications, so the Web-based host can

communicate with the remote device 10 via network 50; see paragraph [0057], lines 1-

8; Graziano further discloses that a user can use the remote device to initiate a control

command and receive the status information of the device via the web based host 70;

see paragraph [0087]; also see fig. 11).

Graziano discloses that the terminal device controls the home device through a

network However Graziano fails to explicitly disclose acquiring a current address of the

remotely-controlled device at constant time interval.

Sekiguchi discloses a home network system, including a terminal device (via mobile phone) communicating with the home device (see fig. 1; also see paragraph [0019] and [0024]) through a network (via using Gateway 118 and Gateway 102 using the internet; see fig. 1). Sekiguchi discloses that home gateway comprises two systems (via first system and second system; see fig. 2; also see paragraph [0026]) wherein second system is connected to peripheral devices on home network. Sekiguchi further discloses that first system periodically (constant time interval) monitors the connectivity conditions of controller 225 to determine whether the power of the second system is turned on, and when power is turned on, the first system acquires the IP address (current address) of the second system, which is connected to the home devices (see paragraph [0059]-0062] and [0067]-[0069])

From the teaching of Sekiguchi it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Graziano to include the step of obtaining a current address of the device as taught by Sekiguchi so the current address (IP address) of the device is automatically obtained and the interface connectivity problem is avoided (see paragraph [0011]).

Even though the Examiner believes that the combination of Graziano and Sekiguchi disclose that the limitation of receiving from the remotely controlled device which sends the current address thorugh the network at constant time interval, because As disclosed above, the second system is turned on, when a device connected to the second system is to be used by the system. Sekiguchi discloses that in order to obtain the IP address the second system transmits a broadcast message which includes the

MAC address of the device (for example devices 105, 106, 107 in fig. 1). Then the

second system transmits the IP address information which include the MAC address of

the device which transmitted a broadcast message (see paragraph [0068] and [0061]).

When the IP address has been obtained by the second system it transmits a

confirmation signal to the first system, the first system recognizes that the IP address

assigned has been set. So the first system also stores the IP address and it is acquiring

and storing the IP address of the device by communicating with the device, since the

steps of obtaining the IP address includes communication with the device and the first

system. Further both systems (the first system and the second system) are part of the

server (home gate way 102), so even when the IP address is set in the second system,

it is part of the home gate way (second server). So home gateway 102 (second server)

does acquire and store the IP address of the device by communicating with the device.

        In order to further support the Examiner's point of view, Nishi discloses a remote

control system wherein a remotely controlled device (via electronic equipment 2; see fig.

1) communicate at predetermine timing (constant timing) with a remote controller (via

remote control server 1; see fig. 1) (see paragraph [0050]). Nishi discloses that the

electronic equipment transmit a State information and a Request for a command signal

toward the remote control server 1 and upon receiving the state information and request

for a command signal the remote control server stores that information in the electronic

equipment database 122 (see fig. 6 and 7; also see paragraph [0050]). Nishi further

discloses that the state information contain different information about the device.

Further it can be seen from fig. 7, remote control server 1 receives the state information

from plurality of electronic equipment (device 1, device 2, device 3 ... device n) and the information is stored according to addresses of each device (for example device 1). Nishi further discloses that after the state information is stored, remote control server 1 checks if it needs to transmit any command to the device which transmitted the state information (see paragraph [0051]). Nishi further discloses that the remote control server 1, transmit signals to the device at constant times (see paragraph [0056]). Since the remote control server 1 receives and transmit signals from and to the device at predetermined timing, it will also receive the current address of the device on the network, because in order to differentiate the device from plurality of devices remote control server 1 will need the device's address.

From the teaching of Nishi it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the combination of Graziano and Sekiguchi to include the step of receiving the current address from the remotely controlled device as taught by Nishi in order to update the memory of remote controller with the latest information about the remotely controlled electronic equipment.

As of claims 12 and 16, Graziano discloses that the first communication interface transmits the status notification request to the device when the status request is received from the terminal device (via web-based host 70 requesting the current temperature upon the user selection from the remote device 10; see paragraph [0080], lines 7-15).

As of claims 13 and 17, Graziano discloses that the device transmits the status information on the device to the first communication controller when the status of the

device is changed (via home attendant monitoring the home devices, and upon the occurrence of an event (status change) on home device 40, information is transmitted to the we-based host 70 via network 50; see paragraph [0039]).

As of claims 14 and 18, Graziano discloses that remote-controlled device controlled is operable to detect a status of a subject to be controlled in the remote-controlled device and transmits the detected status to the terminal device in response to the status notification request (via the home attendant 31 monitoring the home device 40, and upon the occurrence of an event on a home device 40, transmitting the information to the web-based host 70 via the network 50, and web-based host transmitting the information to the remote device 10; see paragraph [0039], also see paragraph [0080] Grazino further discloses that a user can use the remote device to initiate a control command and receive the status information of the device via the web based host 70; see paragraph [0087]; also see fig. 11).

Response to Arguments

4.   Applicant's arguments with respect to all the claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

5.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to NABIL H. SYED whose telephone number is (571)270-3028. The examiner can normally be reached on M-F 7:30-5:00 alt Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Brian Zimmerman can be reached on (571)272-3059. The fax phone

number for the organization where this application or proceeding is assigned is 571-

273-8300.

Information regarding the status of an application may be obtained from the

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published applications may be obtained from either Private PAIR or Public PAIR.

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For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

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Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Nabil H Syed
Examiner
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N.S

/Brian A Zimmerman/
Supervisory Patent Examiner, Art Unit 2612